

# **LESBIANS AND GAY MEN AS ADOPTIVE AND FOSTER PARENTS**

## **AN INFORMATION SHEET**

**The past two years have seen more negative legislative activity on the issue of adoption by lesbians and gay men than the preceding ten. Currently three states have statutes prohibiting lesbian and gay couples from adopting: Florida, Utah and Mississippi. Florida prohibits all lesbians and gay men from adopting, including single lesbians and gay men. Utah prohibits unmarried cohabiting couples from becoming adoptive or foster parents. Mississippi prohibits adoption by couples of the same gender. In addition, in Arkansas, the state Division of Children and Family Services has regulations banning lesbians or gay men from serving as foster parents.**

**Virtually every major children's advocacy organization strongly supports the view that lesbians and gay men should be eligible to become adoptive and foster parents, under the same criteria applied to all other applicants. These include the Child Welfare League of America, the National Association of Social Workers, the American Psychological Association, and the American Psychiatric Association.**

**Social science research has shown that children raised by lesbian and gay parents are just as healthy and well-adjusted as those raised by heterosexual parents.**

**There is a critical shortage of adoptive parents in the United States. In 1999, there were an estimated 547,000 children in foster care and 117,000 children waiting to be adopted. Many of these children have historically been viewed as "unadoptable" because of their age and their race. Many have significant health problems.**

**At one time, adoption was viewed as a service offered to infertile, middle-class, largely white couples seeking healthy same-race babies. As the number of children who are in need of adoption has grown, adoption agencies have expanded their policies to include a much broader range of adoptive families, including minority families, older persons, families who already have children, single parents (both male and female), individuals with physical disabilities, and families across a broad economic range.**

**In the mid-1990s, right-wing organizations launched a nationwide campaign to enact state laws prohibiting lesbians and gay men from becoming adoptive or foster parents. In 1999 alone, legislation unfavorable to lesbian and gay families was introduced in nine states (Arizona, Arkansas, Georgia, Indiana, Louisiana, Minnesota, Oklahoma, South Carolina, and Texas).**

**In March of 2000, Utah enacted legislation that prohibits unmarried “cohabiting” couples from becoming adoptive or foster parents. And in May of 2000, Mississippi became the third state to prohibit adoptions by lesbian and gay couples.**

**These setbacks have been partially offset by some major victories. In April of 1999, New Hampshire repealed its 1988 ban prohibiting lesbians and gay men from becoming adoptive and foster parents. In November of 1999, California dropped its policy of automatically opposing adoptions of foster children by lesbian, gay, and unmarried couples.**

**In March of 2000, Connecticut became the second state in the union, behind Vermont, to enact legislation explicitly recognizing second parent adoptions. The legislation was in response to the Connecticut Supreme Court's decision in the "Baby Z" case, which called on the legislature to establish adoption and family policy. Five other jurisdictions -- the District of Columbia, Illinois, Massachusetts, New Jersey, and New York -- judicially recognize second parent adoptions at the appellate court level.**

**Second parent adoptions have also been granted by trial court judges in: Alabama (selected counties); Alaska (Juneau); California (many counties); Indiana (White County); Iowa (selected counties); Louisiana (Orleans Parish); Maryland (selected counties); Michigan (selected counties); Minnesota (Aitkin & Hennepin Counties); Nevada (selected counties); New Mexico (selected counties); Oregon (Multnomah County); Pennsylvania (state appellate court decision pending); Rhode Island (selected counties); Texas (Austin, San Antonio, & some other counties); Washington (King, Spokane, Thurston, & some other counties).**

## **RESOURCES**

**National Organizations With Additional Information About LGBT Parenting and Strategies for Defeating Anti-Gay Adoption Legislation:**

**The Family Pride Coalition (FPC): (619) 296-0199**  
**<http://www.familypride.org/>**

**Children of Lesbians & Gays Everywhere (COLAGE): (415) 861-5437**  
**<http://www.colage.org/>**

**Parents, Families, And Friends of Lesbians And Gay Men (PFLAG): (202) 638-4200**  
**<http://www.pflag.org/>**

**The National Gay & Lesbian Task Force (NGLTF): (202) 332-6483**  
**<http://www.ngltf.org/>**

**The National Center for Lesbian Rights (NCLR): (415) 392-6257**  
**<http://www.nclrights.org/>**

**The ACLU Lesbian & Gay Rights Project: (212) 549-2627**  
**<http://www.aclu.org/>**

**Lambda Legal Defense & Education Fund (LLDEF): (212) 809-8585**  
**<http://www.lambdalegal.org/>**

**The Human Rights Campaign (HRC): (202) 628-4160**  
**<http://www.hrc.org/>**

## **PUBLICATIONS**

**Adoption by Lesbian, Gay and Bisexual Parents: An Overview of Current Law**  
**(National Center for Lesbian Rights 1999). Available from NCLR, 870 Market Street, Suite 570, San Francisco, CA 94102 (415) 392-6257.**

**In The Child's Best Interests: Defending Fair And Sensible Adoption Policies**  
**(ACLU Lesbian & Gay Rights Project 1998). Available on line at**  
**<http://www.aclu.org/issues/gay/hmgl.html>**